

**Summary of Twenty-second Negotiation Session on  
New Water Supply and Extended MOU Agreement**

**Date of Session:** September 27, 2004  
**Place:** Santa Rosa Laguna Treatment Plant  
**Time:** 9:00 AM – 11:30 PM

**Parties Present and Represented:**

**Cities:** Cotati, Petaluma, Rohnert Park, Santa Rosa, Sonoma and Windsor.  
**Special Districts:** Sonoma County Water Agency, Valley of the Moon WD, North Marin WD and Marin Municipal WD.

Attachment A contains complete list of attendees.

**Draft 6 of Extended MOU:**

John Nelson presented what was supposed to be the final draft of the Extended MOU explaining that it incorporated some edits proposed by the City of Santa Rosa including deletion of reference to the SCWA Board's Interim Impairment Resolution 99-1564, which was based on an 84 mgd supply. He noted that the Agency has decided to update the Resolution and base it on 92 mgd of supply expected to be available with Caisson 6 coming on line and therefore that yet another (corrected) draft of the MOU would be forthcoming at the next negotiation session. Mr. Poole said a workshop was planned with the SCWA Board on November 1<sup>st</sup> and that he expected the new resolution would be adopted in late November or early December.

Also there was input several times from the public about items on the MOU specifically Section 1(b). David Keller said that the language was incorrect, as any increase in the amount of water would require a permit. Paul Helliker proposed and it was agreed to add the word "permitted" to the second sentence.

David Keller also questioned why the main back up in case of impairment would be for Rohnert Park to pump more groundwater? Discussion ensued between Rohnert Park officials and Mr. Keller and there was disagreement about the status of the Rohnert Park groundwater supply and recharge.

**Status of Water Shortage Provisions for Restructured Agreement:**

Miles Ferris passed out copies of the latest allocation proposal by Santa Rosa (Tech Memo from Gerry Nakano) and proposed language for Section 3.5 – both dated Sept. 23, 2004.

Mr. Poole said the Agency had some problems with the proposal and that a meeting(s) with the City's attorney on the issue is planned.

David Keller said meeting discussion items should be made available to public.

Mike Martini noted that demand hardening had to be addressed in the new agreement for Santa Rosa to sign on.

Steve Simmons suggested the term "reasonable requirement" regarding the tier 2 allocation be defined.

Petaluma representatives noted that an across the board per capita distribution approach taken by Santa Rosa does not work for Petaluma because of its high percentage of non-residential demand. Pam Torliatt said Petaluma was working up an alternative allocation calculation and planned to have that available for the WAC in about two weeks.

Paul Helliker said MMWD's per capita use figures were available.

Al Bandur said the across the board per capita distribution approach also does not work for Sonoma due to tourism impacts on water use.

Gerry Nakano explained that in recommending the allocation approach, it was assumed that the SCWA would make adjustments necessary to deal with any special circumstances.

#### **Path Forward re. Proposed Restructured Agreement:**

John Nelson recapped changes he knew about that needed to be made to Draft 4 of the proposed Restructured Agreement (Attachment B) noting that the major issues needing to be resolved were:

- agreement on Section 3.5 language re water shortage allocation incorporating consideration of demand hardening, and
- consensus on Watershed Planning and Restoration Charge.

In the discussion that followed Mike Martini said if the demand hardening issue was resolved, Santa Rosa would not let the proposed Watershed Planning and Restoration Charge be a deal breaker. Pam Torliatt said she wanted a commitment from the SCWA re. participation in watershed planning and restoration expenses. Krishna Kumar said Valley of the Moon's annual entitlement was based on a 2005 planning level and needed to be addressed.

**Follow-up actions/schedule indicated:**

- MOU final version to be ready for the next negotiation session set for Oct. 25<sup>th</sup>.with Interim Impairment Resolution number left blank.
- Re. Restructured Agreement:
  - (1) SCWA and Santa Rosa attorneys and staff to meet re Section 3.5 language and allocation methodology,
  - (2) SCWA to report back to WAC at October negotiation session re. Section 3.5.
- SCWA to discuss allocation policy issue, interim impairment and other related matters at Nov. 1 workshop.
- Work on drafting final version of Restructured Agreement to follow.

**Next Agreement Negotiation Session:**

Time and Date: 9:00 AM-12:00 PM, Oct. 25, 2004  
Place: Santa Rosa's Laguna Treatment Plant

**Attachments:**

- A. List of Attendees, Sept. 27, 2004 Negotiation Session
- B. Recap of Amendments to Include in Draft 5 of Restructured Agreement

## **Attachment A**

### **Water Advisory Committee Negotiation Meeting Short Minutes For September 27, 2004**

Attendees: Miles Ferris, City of Santa Rosa  
Mike Martini, City of Santa Rosa  
Jane Bender, City of Santa Rosa  
Janet Orchard, City of Cotati  
Toni Bertolero, City of Cotati  
Chris DeGabriele, North Marin Water District  
Drew McIntyre, North Marin Water District  
Dennis Rodoni, North Marin Water District  
Randy Poole, Sonoma County Water Agency  
Pam Jeane, Sonoma County Water Agency  
Kiergan Pegg, Sonoma County Water Agency  
Pam Torliatt, City of Petaluma  
Mike Ban, City of Petaluma  
Mike Bierman, City of Petaluma  
Steve Simmons, City of Petaluma  
Mike Fuson, City of Sonoma  
Al Bandur, City of Sonoma  
Krishna Kumar, Valley of the Moon Water District  
Ron Theisen, Marin Municipal Water District  
Paul Helliker, Marin Municipal Water District  
Armando Flores, City of Rohnert Park  
Darrin Jenkins, City of Rohnert Park  
Jake Mackenzie, City of Rohnert Park  
Matt Mullan, Town of Windsor  
Gerry Nakano, West Yost  
John Nelson, JONWRM

Public Attendees: Brenda Adelman, RRWPC  
David Keller, FOER  
H.R. Downs, O.W.L. Foundation  
Tony Lindstrom, Cal-American Water  
Bob Anderson, United Winegrowers  
Fred Soares, Southwest Neighborhood Alliance  
Paul Stutrud, Owl Foundation